

[Floor Situation](#) | [Summary](#) | [Background](#) | [Cost](#) | [Staff Contact](#)

[H.R. 1633, DHS Paid Administrative Leave Accountability Act of 2015, as amended](#)

FLOOR SITUATION

On Tuesday, June 23, 2015, the House will consider [H.R. 1633](#), *the DHS Paid Administrative Leave Accountability Act of 2015*, as amended, under suspension of the rules. H.R. 1633 was introduced on March 25, 2015, by Rep. Barry Loudermilk (R-GA) and was referred to the Committee on Homeland Security, which ordered the bill reported, as amended, by voice vote on May 20, 2015.

SUMMARY

H.R. 1633 requires the head of each component of the Department of Homeland Security (DHS) to provide to the Department's Chief Human Capital Officer (CHCO):

- (1) the number of employees of the component who had been on administrative leave, or any other type of paid non-duty status without charge to leave, for personnel matters for a period of six consecutive months or longer as of the last day of the period covered by the report;
- (2) the total cost to the component associated with such administrative leave and such paid non-duty status (including salary and benefits) for the period covered by the report; and,
- (3) the average duration that employees are placed on administrative leave, or any other type of paid non-duty status without charge to leave, for personnel matters for a period of six consecutive months or longer, as of the last day of the period covered by the report for the component.

The bill requires each component head to submit the specified information to the CHCO not later than 90 days after enactment, and quarterly thereafter. The bill also requires the CHCO to (1) maintain records of the number of employees of the Department who are placed on administrative leave or paid non-duty status without charge to leave for personnel matters and the costs (including salary and benefits) associated with such leave or non-duty status; and (2) in consultation with the head of each of the components of the Department, determine any appropriate actions to be taken by the Department to resolve any personnel matter objectively, appropriately, and expeditiously or to reduce

the use of administrative leave and paid non-duty status without charge to leave in addressing any personnel matter.

The bill further requires the CHCO to develop and implement a Department-wide policy in accordance with existing Federal guidance specifically related to the use of administrative leave, or any other type of paid non-duty status without charge to leave, for personnel matters. The policy must include the responsibilities of the components of the Department for reporting information relating to such administrative leave and such paid non-duty status to the Chief Human Capital Officer as required under the bill

The bill also requires the CHCO to submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report on the number of Department employees on administrative leave, and any other type of paid non-duty status without charge to leave, for personnel matters for a period of six consecutive months or longer as of the last day of the quarter covered by the report, and in addition, specifies the contents of such reports.

BACKGROUND

Under current law, Federal agencies may grant paid administrative leave (an excused absence without loss of pay or charge to the individual) and can establish policies governing its use. However, some employees “are put on paid administrative leave for indefinite periods of time, which has resulted in fraud and abuse within the system.”¹

The Government Accountability Office (GAO) reported in October 2014 that “from fiscal years 2011 through 2013, DHS employees charged approximately 1.5 million paid administrative leave days, which amounts to over \$380 million.”² Some of these employees were on paid administrative leave for more than two years while investigations into their alleged misconduct were conducted.

COST

The Congressional Budget Office (CBO) [estimates](#) that enacting H.R. 1633 would cost less than \$500,000 annually over the 2016 to 2018 period. Because enacting the legislation would not affect direct spending or revenues, pay-as-you-go procedures do not apply.

STAFF CONTACT

For questions or further information please contact [Jerry White](#) with the House Republican Policy Committee by email or at 5-0190.

¹ See Press Release—“[Rep. Loudermilk Introduces Legislation to Prevent DHS Employees from Abusing Paid Administrative Leave](#),” March 30, 2015.

² Id.